

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5459 of 1995

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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AMIR MIYA MOHAMAD MIYA BUKHARI

Versus

DRIVER HARUN DAWOODBHAI & 2

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Appearance:

MR BD KARIA for appellant

SERVED for Respondent No. 1 and 2

MR RR MARSHALL for Respondent No. 3

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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 02/05/96

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. Appeal admitted. Mr. R.R.Marshall waives service on behalf of respondent no.3.

2. At the joint request of learned counsel for the parties this First Appeal is taken up for final hearing today.

3. Learned counsel for the appellant requests that the appellant be permitted to reduce his claim in appeal to Rs.5,000/-. Permission granted. Amendment to be carried out today.

4. As a result of the discussion and hearing on merits a consensus has been arrived at between the learned counsel. Looking to the overall facts as found from the evidence on record, and on proper application of the law to such facts, it is apparent that the multiplier applied by the Tribunal i.e. 12, is too low. On the facts of the case, the appropriate multiplier would be 15. This position could not be disputed by the learned counsel for the insurer.

5. Another aspect in the particular facts of the case is with regard to the determination of the loss of future income of the appellant, in the context of the permanent partial disability as applied to the net current income of the appellant (as on the date of accident). Having due regard to the facts of this particular case, I am satisfied that the interests of justice will be served if the appellant is awarded a sum of Rs.20,000/- in all, instead of the sum of Rs.16,900/determined by the Tribunal.

6. The award and decree impugned in the present appeal shall stand modified to the aforesaid extent. It is clarified that the impugned award except, for this modification, stands confirmed.

7. In the premises aforesaid, this appeal is partly allowed to the aforesaid extent with no order as to costs.

8. Decree accordingly.

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